

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
23-00033-02-CR-W-SRB

LUIS GERARDO NEITO-ACOSTA

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGES: Count One – Conspiracy to Distribute Cocaine, *in violation of* 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846;

 Count Two – Possession of Cocaine with Intent to Distribute, *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(A); and

 Count Three – Possession of Firearms in Furtherance of a Drug Trafficking Crime, *in violation of* 18 U.S.C. § 924(c)(1)(A)(i).

TRIAL COUNSEL:

Government: Robert Smith and John Constance
Case Agent: Task Force Officer Martin H. Dye, DEA
Defendant: Jane Francis

OUTSTANDING MOTIONS:

Defendant's Motion in Limine (Doc. 76)

Defendant's Motion in Limine to Exclude Late Discovery (Doc. 98), *with*
Government's Suggestions in Opposition (Doc. 103). May have been ruled at Doc. 129.

ANTICIPATED MOTIONS:

Government: None
Defense: Motion in Limine

TRIAL WITNESSES:

Government: 6-8
Defendant: Possibly Defendant, who may testify

TRIAL EXHIBITS:

Government: 69-70
Defendant: None

DEFENSES:

Defendant will rely on the

☒ defense of general denial

☐ defenses of general denial and _____

POSSIBLE DISPOSITION:

Defendant:

☒ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☐ Likely a plea will be worked out

TRIAL TIME: 3 days

Government's case including jury selection: 2.5 days

Defendant's case: .5 days

STIPULATIONS:

☐ not likely

☐ not appropriate

☒ likely as to:

☐ chain of custody

☒ chemist's reports

☐ prior felony conviction

☐ interstate nexus of firearm

☐ other: _____

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit Lists:

Government: April 15, 2024

Defense: April 15, 2024

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: April 15, 2024

Jury instructions must comply with Local Rule 51.1

Motions in Limine: April 15, 2024

TRIAL SETTING: Criminal jury trial docket commencing April 29, 2024

Please note: Neither the Government nor Defense have any conflicts with the current trial setting.

OTHER:

- (x) A Spanish-speaking interpreter is required.
() Other assistive devices: _____

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge